

NOTE: This order is nonprecedential.

**United States Court of Appeals
for the Federal Circuit**

In Re ENTRESTO (SACUBITRIL/VALSARTAN)
.....

NOVARTIS PHARMACEUTICALS CORPORATION,
Plaintiff-Appellant

v.

**TORRENT PHARMA INC., TORRENT
PHARMACEUTICALS LTD.**
Defendants-Appellees

.....

NOVARTIS PHARMACEUTICALS CORPORATION,
Plaintiff-Appellant

v.

**ALEMBIC PHARMACEUTICALS LIMITED,
ALEMBIC PHARMACEUTICALS INC.,**
Defendants

.....

NOVARTIS PHARMACEUTICALS CORPORATION,
Plaintiff-Appellant

v.

**HETERO USA, INC., HETERO LABS LIMITED,
HETERO LABS LIMITED UNIT-III, MSN
PHARMACEUTICALS, INC., MSN LABORATORIES
PRIVATE LTD., MSN LIFE SCIENCES PRIVATE
LTD.,**
Defendants-Appellees

2023-2218, 2023-2219, 2023-2220, 2023-2221

Appeals from the United States District Court for the District of Delaware in Nos. 1:19-cv-01979-RGA, 1:19-cv-02021-RGA, 1:19-cv-02053-RGA, and 1:20-md-02930-RGA, Judge Richard G. Andrews.

ON MOTION

Before PROST, TARANTO and HUGHES, *Circuit Judges*.
TARANTO, *Circuit Judge*.

O R D E R

In these consolidated appeals, Novartis Pharmaceuticals Corporation and Hetero USA, Inc., Hetero Labs Limited, and Hetero Labs Limited Unit-III (collectively, “Hetero”) jointly move for a limited remand of Appeal Nos. 2023-2218 and 2023-2221 (as to Hetero only) to the United States District Court for the District of Delaware.

Novartis and Hetero state that they have reached a contingent settlement and requested an indicative ruling from the district court that it would grant a motion to vacate certain decisions were the case remanded. The district court has indicated that it would grant their motion upon

IN RE ENTRESTO (SACUBITRIL/VALSARTAN)

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remand and Novartis and Hetero now move to remand so that the district court can consider such motion.

We grant the motion to the extent that we remand for the limited purpose of the district court's consideration of Novartis and Hetero's motion. *See Ohio Willow Wood Co. v. Thermo-Ply, Inc.*, 629 F.3d 1374, 1375 (Fed. Cir. 2011). In granting the motion, this court takes no position as to whether the district court should grant the motion for vacatur. The court notes that these appeals are ready to be calendared and expects the parties and district court to act promptly to avoid delaying resolution of the remaining appeals.

Upon consideration thereof,

IT IS ORDERED THAT:

The motion is granted to the limited extent explained above. This court retains jurisdiction over Appeal Nos. 2023-2218 and 2023-2221. Proceedings in these consolidated cases are stayed. Novartis and Hetero shall inform this court within three days after the district court's resolution of their motion whether Hetero continues to participate in Appeal Nos. 2023-2218 and 2023-2221.

FOR THE COURT



Jarrett B. Perlow
Clerk of Court

July 30, 2024
Date

cc: United States District Court for the District of Delaware